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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,091	05/14/2001	Susan S. Lineberry	17207-00012	8608

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John S. Beulick
Armstrong Teasdale LLP
One Metropolitan Sq., Suite 2600
St. Louis, MO 63102

EXAMINER	
SHAFFER, ERIC T	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/855,091	LINEBERRY ET AL.	
	Examiner	Art Unit	
	Eric T. Shaffer	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims 1,3-17,19-79

4)☒ Claim(s) ~~1-79~~ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) ~~1-79~~ is/are rejected. 1,3-17,19-79

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is in response to the amendments filed March 24, 2004.

Summary of Instant Office Action

2. Applicant's arguments, filed March 24, 2004, concerning claims 1 – 79 have been considered and are deemed persuasive. The rejections have been withdrawn and replaced by a new rejection.

Claims 2 and 18 have been cancelled by the applicant and no new claims have been added. Claims 1, 9, 16, 24, 31, 33, 38, 44, 58, 66 and 74 have been amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3 – 17, 19 - 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over the book "Using Microsoft Project 4" by Tim Pyron, published in 1994 in view of the book "Mergers & Acquisitions" by Joseph Marren, published in 1993 and in further view of the book "Mergers & Acquisitions" by Ernst & Young.

As per claims 1, 9, 23, 25, 32, 38, 45, 66, 74, 75, 78 and 79, Pyron teaches a method and a computer for developing a project plan, said method comprising the steps of:

receiving at least one user selection of a pre-defined integration event for each user selected integration area; Receiving a pre-defined event is anticipated by Pyron, which discloses "entering and editing tasks in the Gantt Chart" (page 97).

displaying the user selected, pre-defined integration events for each user selected integration area; Displaying a list of pre-defined events is anticipated by Pyron, which discloses "the task and resources sheets both display a table of field values for the list of tasks or resources" (page 548) and "Fig. 18.45" (page 549).

displaying and storing at least one of a name of a person responsible, a due date, a completion percentage, and a commentary for each user selected, pre-defined integration event; Displaying the name of a person responsible for a task is anticipated by Pyron, which discloses "Fig. 4.20 The PRODUCT outline" (page 121) which has the name of individuals and the phases of plan they will work on. Displaying a due date is anticipated by Pyron, which discloses "Finnish no later than" and "Must finish on" (page 133). Displaying a percentage completion is anticipated by Pyron, which discloses "Percent (%) Work Completed" (page 750). Since an item that is displayed must be retrieved from storage location, storing is inherent in display.

Pyron teaches displaying a list of pre-defined events "Fig. 4.17 An outlined task list" (page 119) and a task form that presents detailed steps in a project and includes a box incorporating project notes (page 218, figure 9.12, "Notes") as well as a detailed step-by-step baseline table of tasks (page 324, figure 12.5). Pyron also teaches Pert charts (page 530, figure 18.27) as a means for presenting a sample presentation of an acquisition process that begins with lining up the financing with venture capitalists as the first steps in an acquisition process.

Pyron does not specifically teach a device used primarily for merger integration that has steps and advice for performing a merger.

Marren teaches outlining at least one process for performing an acquisition integration and providing information to perform the acquisition integration ("Sample time and responsibility schedule", exhibit D-3, page 497), the acquisition integration including assimilating an acquiring entity with at least one of a newly acquired company and a newly acquired asset including a portfolio, said method comprising the steps of:

a plurality of pre-defined integration events based upon at least one user selected integration area, each pre-defined integration event being displayed in association with a phase in an acquisition process (exhibit D-3, page 497), including a pre-due diligence phase ("Organization: In this phase the owners, management and/or the board of directors put together a project team, including an investment banker, an attorney, accountants and internal management personnel; educate the team about the business to be sold; establish goals with respect to the sale; identify a list of prospective purchasers; and decide on a sale strategy", page 487), a due diligence phase ("Due diligence phase: In this phase, buyers are permitted access to the management and facilities of the business. Typically, management of the business makes a presentation describing the business, and significant additional data concerning the company is made available to prospective buyers", page 487-488), a post sign/pre-close phase ("Negotiating definite agreement and closing: in this phase, a buyer or buyers are selected for detailed negotiations regarding a purchase agreement. These negotiations lead to the signing of the definitive purchase agreement. The closing of the sale takes place soon thereafter", page 488);

displaying a detailed explanation for each pre-defined integration event (pages 487 - 488) including a description of the integration event (Exhibit D-3, page 497), advice for performing the integration event ("have a viable integration plan", page 40 and "plan to integrate quickly", page 41), and at least one sample presentation relating to the integration event ("General Motors/EDS, Westinghouse/Unimation", page 40 and "Tyson/Holly Farms, Wells Fargo/Crocker National", page 41), the advice is based on prior acquisition integrations and provides guidance to a person responsible for performing the integration event on how to accomplish the integration event ("Pay the right price, invest other people's money, invest with an edge-management, understand the risks, understand the acquisition process, focus on cash flows and market values, buy wholesale, undertake common sense strategies", pages 33 - 39), the at least one sample presentation includes an attached file including data previously presented by the acquiring entity as part of a prior acquisition integration ("Sample confidentiality agreement", Exhibit D-1, pages 491 – 493 and "Sample two-stage auction process cover letter", Exhibit D-2, pages 494-495"). Both inventions are analogous art because they both teach identifying specific steps in a plan for performing a business event and also keep track of which persons are performing specific tasks and the time it should take to perform said tasks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Pyron Microsoft Project scheduling system and fill in the tasks, persons and time tables with information specific to mergers by incorporating the Marren invention because this would enable mergers to be planned out thoroughly so that each person involved would know what they are supposed to do and how long they have to do it. This would help prevent two or more people from performing the same tasks and reduce duplication of

effort, thus saving time and money. Such a combined system would also help insure that tasks would be completed in a timely manner so that later tasks that depend on the completion of earlier tasks could be planned, thereby preventing a later task from having to wait until an earlier task is completed, thus saving time and money.

Neither one of the Pyron or the Marren inventions teaches a post close and transition to operations phase.

Ernst & Young teach a list of step to be performed during a merger, which include steps to be performed in a post merger ("Mail notice of Merger to remaining target stockholders; Pay for all remaining shares; File Form 8-K for bidder; De-list target stock; Deregister target with SEC; Post-merger filings and approvals", page 98). Ernst & Young also teaches a transition to operations phase ("maximize leverage obtained from acquired technology through application to existing operations" and "search for opportunities to broaden the horizon of the combined company through application of the acquired technology", page 222). All three inventions are analogous art because they all present a list of tasks that are to be performed as part of a plan.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Pyron Microsoft Project scheduling system and fill in the tasks and time tables with information specific to mergers by incorporating the Marren and the Ernst & Young invention because this would enable mergers to be planned out thoroughly so that each person involved would know what they are supposed to do and how long they have to do it throughout the entire length of the process from start to finish. This would help prevent two or more people from performing the same tasks and reduce duplication of effort, thus saving time

and money. Such a combined system would also help insure that tasks would be completed in a timely manner so that later tasks that depend on the completion of earlier tasks.

5. As per claims 3, 4, 10 and 11, Pyron teaches a method and computer further comprising the steps of:

receiving user defined integration events for the integration project; A user entering tasks is anticipated by Pyron, which discloses "entering tasks in the Gantt Chart" (page 98).

displaying user defined integration events for the integration project; Displaying tasks is anticipated by Pyron, which discloses "selecting the display options for outlining" (page 122) and "Fig. 4.22" (page 123).

storing the user defined integration events within the acquisition integration project plan. Storing plan data is anticipated by Pyron, which discloses "using the Microsoft MDB Format to Store Project Data" (page 382).

6. As per claims 5 and 12, Pyron teaches a method and computer further comprising the step of forwarding the user defined integration areas and user defined integration events to a system administrator for inclusion into the pre-defined integration areas and predefined integration events. Forwarding an integration plan to others is anticipated by Pyron, which discloses "To review and forward a project you have received as a recipient on a routing slip, follow these steps:" (page 426).

7. As per claims 6, 13 and 76, Pyron teaches a method and computer wherein the acquisition integration project plan is stored in at least one of a spreadsheet format and a web page format. Data in spreadsheet form is anticipated by Pyron, which discloses "some views are spreadsheets that show data in columns and rows" (page 59).

8. As per claims 7, 14, 34, 41, 46 and 69, Pyron teaches a method, computer, apparatus and program further comprising the step of displaying a detailed explanation for each pre-defined integration event further comprises enabling a user to update the advice for performing an integration event and the at least one sample presentation relating to the integration event during an acquisition process.

Pyron does not specifically displaying a detailed explanation for each pre-defined integration event including advice for performing the integration event and at least one sample presentation relating to the integration event, the advice and the least one sample presentation are based on prior acquisition process. A general reason why it would be useful to include notes from a previous integration event would be to learn from past experience and to not repeat mistakes made in the past.

However, Pyron does teach a task form that presents detailed steps in a project and includes a box incorporating project notes (page 218, figure 9.12, "Notes") as well as a detailed step-by-step baseline table of tasks (page 324, figure 12.5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate advice into project notes because the purpose of taking notes is to provide someone with a written record of what has taken place on a project in order to allow someone taking over a task would have a written record of what has previously occurred on a project. A list of tasks in a baseline table would also be obvious to one of ordinary skill in the art at the time the invention was made to service as a means to advise someone performing an integration event of the specific steps necessary to perform an acquisition process. Similarly, Pyron also teaches Pert charts (page 530, figure 18.27) as a means for presenting a sample presentation of an acquisition process that begins with

lining up the financing with venture capitalists as the first steps in an acquisition process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a Pert chart to graphically display and therefore present all of the steps in a process because a Pert chart is an easy and efficient means by which a multitude of people can see and easily grasp the steps in a process and determine their own individual roles in said process.

9. As per claims 8, 15, 21, 22, 31, 36 and 50, Pyron teaches a method, computer and program further comprising the step of displaying a deliverable checklist for each integration event. Displaying a checklist of tasks is anticipated by Pyron, which discloses "Fig. 10.10 The list of working tasks is stored here in alphabetical order" (page 253).

10. As per claims 16 and 24, Pyron teaches a database and system for developing a project plan comprising the steps of incorporating a database with the project area and events ("the new save to database command gives Microsoft Project 4 the capability to store all of its project data in a Microsoft Access database", page 382);

a client system comprising a browser ("finding objects with a browser", page 687-688);

a server configured to be coupled to said client system and said database ("you can place the details of hundreds of projects in one database for enterprise-wide analysis and reporting", page 382), wherein a server is inherent in the network system necessary to make a system enterprise wide;

receiving and displaying the integration event for each user selected integration area ("entering and editing tasks in a Gantt Chart", page 97);

displaying and store in the database on client system at least one of a name of person responsible ("Fig 4.20 The Product outline", page 131), a due date ("Finish no later than" and

"Must finish on", page 133), a completion percentage ("Percent & Work Completed", page 750), and a commentary for each selected integration event ("Fig 9-12 Notes", page 218), wherein storing is inherent in displaying. Pyron does not teach the individual steps in a merger event.

Marren teaches an acquisition integration project plan outlining at least one process for performing an acquisition integration and providing information to perform the acquisition integration, the acquisition integration including assimilating an acquiring entity with at least one of a newly acquired company and a newly acquired asset including a portfolio, said method comprising the steps of:

data corresponding to at least one integration area and events for each integration area, each integration event is associated with a phase in an acquisition process (exhibit D-3, page 497), including a pre-due diligence phase ("Organization: In this phase the owners, management and/or the board of directors put together a project team, including an investment banker, an attorney, accountants and internal management personnel; educate the team about the business to be sold; establish goals with respect to the sale; identify a list of prospective purchasers; and decide on a sale strategy", page 487), a due diligence phase ("Due diligence phase: In this phase, buyers are permitted access to the management and facilities of the business. Typically, management of the business makes a presentation describing the business, and significant additional data concerning the company is made available to prospective buyers", page 487-488), a post sign/pre-close phase ("Negotiating definite agreement and closing: in this phase, a buyer or buyers are selected for detailed negotiations regarding a purchase agreement. These negotiations lead to the signing of the definitive purchase agreement.

displaying a detailed explanation for each pre-defined integration event (pages 487 - 488) including a description of the integration event (Exhibit D-3, page 497), advice for performing the integration event ("have a viable integration plan", page 40 and "plan to integrate quickly", page 41), and at least one sample presentation relating to the integration event ("General Motors/EDS, Westinghouse/Unimation", page 40 and "Tyson/Holly Farms, Wells Fargo/Crocker National", page 41), the advice is based on prior acquisition integrations and provides guidance to a person responsible for performing the integration event on how to accomplish the integration event ("Pay the right price, invest other people's money, invest with an edge-management, understand the risks, understand the acquisition process, focus on cash flows and market values, buy wholesale, undertake common sense strategies", pages 33 - 39), the at least one sample presentation includes an attached file including data previously presented by the acquiring entity as part of a prior acquisition integration ("Sample confidentiality agreement", Exhibit D-1, pages 491 – 493 and "Sample two-stage auction process cover letter", Exhibit D-2, pages 494-495"). Both inventions are analogous art because they both teach identifying specific steps in a plan for performing a business event and also keep track of which persons are performing specific tasks and the time it should take to perform said tasks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Pyron Microsoft Project scheduling system and fill in the tasks, persons and time tables with information specific to mergers by incorporating the Marren invention because this would enable mergers to be planned out thoroughly so that each person involved would know what they are supposed to do and how long they have to do it. This would help prevent two or more people from performing the same tasks and reduce duplication of

effort, thus saving time and money. Such a combined system would also help insure that tasks would be completed in a timely manner so that later tasks that depend on the completion of earlier tasks could be planned, thereby preventing a later task from having to wait until an earlier task is completed, thus saving time and money.

Neither one of the Pyron or the Marren inventions teaches a post close and transition to operations phase.

Ernst & Young teach a list of step to be performed during a merger, which include steps to be performed in a post merger ("Mail notice of Merger to remaining target stockholders; Pay for all remaining shares; File Form 8-K for bidder; De-list target stock; Deregister target with SEC; Post-merger filings and approvals", page 98). Ernst & Young also teaches a transition to operations phase ("maximize leverage obtained from acquired technology through application to existing operations" and "search for opportunities to broaden the horizon of the combined company through application of the acquired technology", page 222). All three inventions are analogous art because they all present a list of tasks that are to be performed as part of a plan.

11. As per claims 17, 19, 20, 26, 48, 49 and 77, Pyron teaches a method and system wherein said database further comprises data corresponding to at least one of an overview of acquisition integration, an explanation of each integration event, a sample presentation for at least one integration event, and feedback received from users. At least one event, namely incorporating a project overview is anticipated by Pyron, which discloses "Fig. 20.17 Resource report with task details" (page 582), a "Fig. 20.19 Cross-tab report showing work by resources with task assignments" (page 584), and a "Fig. 20.22 Project Summary report" (page 587).

Pyron does not specifically teach enabling a user to update the advice for performing an integration event and at least one sample presentation relating to the integration event, the advice and the least one sample presentation are based on prior acquisition process. A general reason why it would be useful to incorporate project notes would be to learn from past projects and to not repeat mistakes from past projects.

However, Pyron does teach a task form that presents detailed steps in a project and includes a box incorporating project notes (page 218, figure 9.12, "Notes") as well as a detailed step-by-step baseline table of tasks (page 324, figure 12.5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate advice into project notes because the purpose of taking notes is to provide someone with a written record of what has taken place on a project in order to allow someone taking over a task would have a written record of what has previously occurred on a project. A list of tasks in a baseline table would also be obvious to one of ordinary skill in the art at the time the invention was made to service as a means to advise someone performing an integration event of the specific steps necessary to perform an acquisition process. Similarly, Pyron also teaches Pert charts (page 530, figure 18.27) as a means for presenting a sample presentation of an acquisition process that begins with lining up the financing with venture capitalists as the first steps in an acquisition process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a Pert chart to graphically display and therefore present all of the steps in a process because a Pert chart is an easy and efficient means by which a multitude of people can see and easily grasp the steps in a process and determine their own individual roles in said process.

12. As per claims 27, 30, 64 and 72, Pyron teaches a deliverables checklist ("Entering and Editing Tasks in the Gantt Chart", figure 4.1, page 97). While the task list taught by Pyron is not a check list, it is a list of tasks. A general reason why the check list would be useful is to indicate when a task has been completed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to check off tasks as they are completed because this would allow a user to know when a task has been completed, thereby preventing the task from worked on when it has already been completed.

13. As per claims 28 and 29, Pyron teaches a system wherein said server is configured to cause a screen listing a plurality of integration areas to be displayed at a client system. Displaying a list of integration tasks and persons within the task areas to perform the tasks is anticipated by Pyron, which discloses "Fig. 4.22 Displaying outline numbers" (page 123).

14. As per claims 33, 65 and 73, Pyron teaches a method and computer wherein the integration areas comprise at least one of business leader, integration manager, due diligence leader, sales/marketing, sourcing, customer services, collections, manufacturing, engineering, environmental health and safety, services, risk management, six sigma, information technology, communication, human resources strategy, human resources labor relations, human resources employee benefits, human resources compensation, controllership, legal, intellectual property, treasury, Euro program, financial planning, closing reporting, tax integration, and insurance. At least one event, namely financial planning is anticipated by Pyron, which discloses a cost variance analysis report in "Fig. 20.7 Customized task report" which uses fields in "Table 17.2 Cost Overbudget, Work Overbudget" (page 482).

15. As per claims 35, 37, 43, 63 and 71, Pyron teaches a method and apparatus further comprising the step of attaching to an integration event, using the electronic interface, at least one sample presentation. Using an electronic interface to attach and forward an event is anticipated by Pyron, which discloses "To forward the message and file on to the next name on the routing slip, or back to the originator when the routing is complete, the recipient must open the project and use the File Send command" (page 426).

16. As per claims 39, 59 and 67, Pyron teaches an apparatus, method and computer further comprising means for displaying a plurality of sub-events for an integration event. Sub-events are anticipated by Pyron, which discloses "you can create subprojects by moving tasks from the master project into new project files, and then by defining the new files as subprojects by linking them to preresentative tasks" (page 364).

17. As per claims 40, 60 and 68, Pyron teaches an apparatus, method and computer further comprising means for displaying a name of a person responsible for each integration area. Displaying the name of a person responsible for a task is anticipated by Pyron, which discloses "Fig. 4.20 The PRODUCT outline" (page 121) which has the name of individuals and the phases of plan they will work on.

18. As per claim 42, 47, 62 and 70, Pyron teaches an apparatus, program and computer further comprising means for displaying sample presentations from other integration projects. Displaying sample presentations is anticipated by Pyron, which discloses "a task sheet view of the SAMPLE project" (page 99).

19. As per claim 44, Pyron teaches a computer program embodied on a computer readable medium that displays a detailed explanation for each integration event including a description of

the integration event (Fig 4.20, "The Product Outline", page 121), the description facilitates determining a percentage of completion of the integration event ("Percent % Work Completed", page 750).

Pyron does not teach advice, a sample, or a system specific to merger integrations.

Marren teach a system for managing to achieve acquisition synergies ("Analyzing synergies", page 417), customer satisfaction and operational excellence ("manufacturing and quality management", page 499), acquisition integration including assimilating an acquiring entity with at least one of a newly acquired company and a newly acquired asset including a portfolio, said computer program comprising a code segment that:

Organizes integration events for each integration area, each integration event associated with a phase in an acquisition process including a pre-due diligence phase ("Organization: In this phase the owners, management and/or the board of directors put together a project team, including an investment banker, an attorney, accountants and internal management personnel; educate the team about the business to be sold; establish goals with respect to the sale; identify a list of prospective purchasers; and decide on a sale strategy", page 487), a due diligence phase ("Due diligence phase: In this phase, buyers are permitted access to the management and facilities of the business. Typically, management of the business makes a presentation describing the business, and significant additional data concerning the company is made available to prospective buyers", page 487-488), a post sign/pre-close phase ("Negotiating definite agreement and closing: in this phase, a buyer or buyers are selected for detailed negotiations regarding a purchase agreement. These negotiations lead to the signing of the definitive purchase agreement. The closing of the sale takes place soon thereafter", page 488);

displaying a detailed explanation for each pre-defined integration event (pages 487 - 488) including a description of the integration event (Exhibit D-3, page 497), advice for performing the integration event ("have a viable integration plan", page 40 and "plan to integrate quickly", page 41), and at least one sample presentation relating to the integration event ("General Motors/EDS, Westinghouse/Unimation", page 40 and "Tyson/Holly Farms, Wells Fargo/Crocker National", page 41), the advice is based on prior acquisition integrations and provides guidance to a person responsible for performing the integration event on how to accomplish the integration event ("Pay the right price, invest other people's money, invest with an edge-management, understand the risks, understand the acquisition process, focus on cash flows and market values, buy wholesale, undertake common sense strategies", pages 33 - 39), the at least one sample presentation includes an attached file including data previously presented by the acquiring entity as part of a prior acquisition integration ("Sample confidentiality agreement", Exhibit D-1, pages 491 – 493 and "Sample two-stage auction process cover letter", Exhibit D-2, pages 494-495"). Both inventions are analogous art because they both teach identifying specific steps in a plan for performing a business event and also keep track of which persons are performing specific tasks and the time it should take to perform said tasks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Pyron Microsoft Project scheduling system and fill in the tasks, persons and time tables with information specific to mergers by incorporating the Marren invention because this would enable mergers to be planned out thoroughly so that each person involved would know what they are supposed to do and how long they have to do it. This would help prevent two or more people from performing the same tasks and reduce duplication of

effort, thus saving time and money. Such a combined system would also help insure that tasks would be completed in a timely manner so that later tasks that depend on the completion of earlier tasks could be planned, thereby preventing a later task from having to wait until an earlier task is completed, thus saving time and money.

Neither one of the Pyron or the Marren inventions teaches a post close and transition to operations phase.

Ernst & Young teach a list of step to be performed during a merger, which include steps to be performed in a post merger ("Mail notice of Merger to remaining target stockholders; Pay for all remaining shares; File Form 8-K for bidder; Delist target stock; Deregister target with SEC; Postmerger filings and approvals", page 98). Ernst & Young also teaches a transition to operations phase ("maximize leverage obtained from acquired technology through application to existing operations" and "search for opportunities to broaden the horizon of the combined company through application of the acquired technology", page 222). All three inventions are analogous art because they all present a list of tasks that are to be performed as part of a plan.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Pyron Microsoft Project scheduling system and fill in the tasks and time tables with information specific to mergers by incorporating the Marren and the Ernst & Young invention because this would enable mergers to be planned out thoroughly so that each person involved would know what they are supposed to do and how long they have to do it throughout the entire length of the process from start to finish. This would help prevent two or more people from performing the same tasks and reduce duplication of effort, thus saving time

and money. Such a combined system would also help insure that tasks would be completed in a timely manner so that later tasks that depend on the completion of earlier tasks.

20. As per claims 51 and 56, Pyron teaches a network that is one of a wide area network, local area network, an intranet or an Internet ("you can place the details of hundreds of projects in one database for enterprise-wide analysis and reporting", page 382), wherein an intranet is inherent in the ability to make a database available enterprise wide and one of a TCP/IP or an IPX protocol in inherently needed to make a network functional.

21. As per claims 52, 54 and 61, Pyron teaches a computer program according to Claim 44 wherein the data is received from the user via a graphical user interface. anticipated by Pyron, which discloses "entering tasks in the Gantt Chart" (page 98), "entering task durations" (page102), "entering milestones" (page 106), "entering recurring tasks" (page107) and "entering additional data in the task information form" (column 113).

22. As per claims 53, Pyron teaches a computer program according to Claim 44 further comprising a code segment that generates acquisition integration plan based on pre-stored assumptions in the database. Generating an integration plan after data is entered is anticipated by Pyron, which discloses "as soon as you enter the task name, Microsoft Project supplies a default duration for the new task in the Duration field, and displays a task bar under the time scale in the Gantt Chart" (pages 98 - 99).

23. As per claims 55, Pyron teaches a computer program according to Claim 44 further comprising a code segment that:

accesses the centralized database; Accessing a database is anticipated by Pyron, which discloses "opening a project from a database" (page 384).

searches the database regarding the specific inquiry; Performing a database query is anticipated by Pyron, which discloses "using the project database for queries" (page 387).

retrieves information from the database; anticipated by Pyron, which discloses "importing data from other applications" (page 390).

causes the retrieved information to be displayed on the client system. Displaying data retrieved as the result of a database query is anticipated by Pyron, which discloses "Fig. 14.10 the query result from figure 14.9" (page 389).

24. As per claims 57, Pyron teaches a computer program according to Claim 44 further comprising a code segment that monitors the security of the system by restricting access to unauthorized individuals. Securing a file by using a password to restrict access is anticipated by Pyron, which discloses "providing security for saved files" (page 35) and password-protecting a file" (page 36).

25. As per claims 58, Pyron teaches a method for operating a computer, said method comprising the steps of:

prompting a user to select an integration area from an acquisition integration main user interface; Prompting a user to enter task information is anticipated by Pyron, which discloses "type the task name and duration in the appropriate boxes on the recurring task information dialog box" (page 107).

displaying a set of selectable integration events for the selected integration area; Displaying a set of events is anticipated by Pyron, which discloses "Fig. 4.7 Milestones, as shown in the Gantt Chart" (page 106).

generating an acquisition integration project plan incorporating selected integration events. Generating a project plan is anticipated by Pyron, which discloses "as soon as you enter the task name, Microsoft Project supplies a default duration for the new task in the Duration field, and displays a task bar under the time scale in the Gantt Chart" (pages 98 - 99).

Response to Amendments

26. The previous rejection has been removed and the applicant's arguments are considered moot.

Conclusion

27. No claims were allowed and all claims were rejected.

28. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

Or faxed to:

(703) 746-7238	[After Final communications, labeled "Box AF"]
(703) 746-7239	[Official communications]
(703) 706-9124	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

ETS
July 27, 2004

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623